



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 2

26 Federal Plaza – Room 3614

New York, New York 10278-0104

Telephone: (212) 264-0300

Facsimile: (212) 264-2450

January 8, 2015

National Labor Relations Board
Attn.: Gary Shinnars, Executive Secretary
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Re: Micropower USA Corp.
Case Nos. 02-CA-130858, 02-CA-132236,
02-CA-132592, and 02-CA-132830

Dear Mr. Shinnars:

Enclosed please find Counsel for the General Counsel's Motion for Default Judgment and supporting Memorandum of Law in the above-referenced matter. I have also enclosed an affidavit of service.

Thank you for your attention to this matter.

Very truly yours,

Moriah Berger
Counsel for the General Counsel

Encl.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

and

**Case Nos. 02-CA-130858
 02-CA-132236**

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS**

and

Case No. 02-CA-132592

GREG SANDLER, an Individual

and

Case No. 02-CA-132830

AMINA CHOWDHURY, an Individual

**PETITION FOR DEFAULT JUDGMENT
AND ISSUANCE OF DECISION AND ORDER**

The undersigned Counsel for the General Counsel (General Counsel) respectfully shows and alleges:

1. (a) On June 16, 2014,¹ a charge in Case No. 02-CA-130858 was filed with the Regional Director of Region 2 of the National Labor Relations Board (Regional Director) by Professionals at Micropower, New York State United Teachers (the Union). The charge alleged that Micropower USA Corp.² (Respondent) began terminating employees at Micropower Career Institute on or about June 12, in retaliation for their protected, concerted activity, in violation of Section 8(a)(1) and (3) of the National Labor Relations Act (the Act). The charge also alleged that Respondent, on or about June 16, by its Director Michael McTague, told bargaining unit members not to talk with their union representatives, in violation of Section 8(a)(1) of the Act. A copy of the charge was served by regular

¹ All dates hereafter are in 2014, unless otherwise indicated.

² Although the charges in this matter name "Micropower Career Institute" as the Charged Party, the certified Employer is Micropower USA Corp. Micropower USA Corp. owns and operates Micropower Career Institute, a private, for-profit school offering courses in vocational trades and English as a second language, located at 137 West 25th Street, New York, New York, the only facility involved herein.

mail on Respondent on June 17. On October 29, the Regional Director approved the Union's request to withdraw the former allegation, regarding the termination of employees. Copies of the charge, affidavit of service of the charge and withdrawal letter are attached hereto as Exhibits A, B and C.

(b) On July 3, a charge in Case No. 02-CA-132236 was filed with the Regional Director by the Union, alleging that Respondent, on or about June 14, committed the following unfair labor practices: (1) refused to bargain with the Union over layoffs, in violation of Section 8(a)(5) and (1) of the Act; (2) refused to bargain over the recall of those who were laid off, in violation of Section 8(a)(5) and (1) of the Act; (3) recalled employees in a discriminatory manner, in violation of Section 8(a)(3) and (1) of the Act; (4) engaged in direct dealing with employees whom Respondent recalled, bypassing negotiations with the Union, in violation of Section 8(a)(5) and (1) of the Act; (5) refused to bargain a collective-bargaining agreement with the Union, in violation of Section 8(a)(5) and (1) of the Act; (6) fired Amina Chowdhury, Greg Sandler and Nevland Santana in retaliation for their engagement in union activity and protected, concerted activity, in violation of Section 8(a)(3) and (1) of the Act; and (7) did not notify the Union of its right to bargain over the discharge of Amina Chowdhury, Greg Sandler and Nevland Santana, in violation of Section 8(a)(5) and (1) of the Act. A copy of the charge was served by regular mail on Respondent on July 8. On October 29, the Regional Director approved the Union's request to withdraw allegations numbered (1), (2), (4) and (7) above, and to withdraw allegation numbered (6) above with regard to Nevland Santana only. Copies of the charge, affidavit of service of the charge and withdrawal letter are attached hereto as Exhibits D, E and F.

(c) On July 11, a charge in Case No. 02-CA-132592 was filed with the Regional Director by Greg Sandler (Sandler), alleging that Respondent, on or about June 15 and 21, called the police in response to employee protected, concerted activity, and in order to discourage employees from engaging in such activity, in violation of Section 8(a)(1) of the Act. The charge also alleged that Respondent, on or about June 27, terminated the employment of Sandler because he engaged in protected, concerted activity and union activity on behalf of the Union, in violation of Section 8(a)(3) and (1) of the

Act. A copy of the charge was served by regular mail on Respondent on July 14. Copies of the charge and affidavit of service of the charge are attached hereto as Exhibits G and H.

(d) On July 15, a charge in Case No. 02-CA-132830 was filed with the Regional Director by Amina Chowdhury (Chowdhury), alleging that Respondent, on or around June 24, terminated the employment of Chowdhury because she engaged in protected, concerted activity and union activity on behalf of the Union, and because she participated in an unfair labor practice investigation conducted by Region 2 of the National Labor Relations Board, in violation of Section 8(a)(4), (3) and (1) of the Act. A copy of the charge was served by regular mail on Respondent on July 16. On December 31, the Regional Director approved Chowdhury's request to partially withdraw her charge, specifically the allegation that her employment was terminated because she participated in an unfair labor practice investigation. Copies of the charge, affidavit of service of the charge and withdrawal letter are attached hereto as Exhibits I, J and K.

2. On November 25, the Regional Director issued a Complaint and Notice of Hearing in the instant matter (the Complaint), alleging that Respondent committed the following unfair labor practices: (1) On or about June 16, Respondent, by Michael McTague, in an office at Micropower Career Institute, instructed employees not to discuss their terms and conditions of employment with Union representatives, or with one another; (2) On or about June 9, certain employees of Respondent represented by the Union ceased work concertedly and engaged in a strike, and on or about June 10, eight named employees, via a letter sent by email to representatives of Respondent, made an unconditional offer to return to their former positions of employment. From about June 10 until about June 21, Respondent failed and refused to reinstate one of those named employees; from about June 10 until about June 23, Respondent failed and refused to reinstate a second of those named employees; and from about June 10 until about October 17, Respondent failed and refused to reinstate the remaining six of those named employees; (3) On or about June 15, Respondent, by Valentina Portnov,³ placed a call to the New York City Police Department, requesting that Chowdhury be removed from Micropower Career Institute because Chowdhury assisted

³ The Complaint refers to Portnov as "Portnoy," a typographical error.

the Union and engaged in concerted activities, and to discourage employees from engaging in those activities; (4) On or about June 24, Respondent discharged Chowdhury because she assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities; (5) On or about June 21, Respondent, by Valentina Portnov, placed a call to the New York City Police Department, requesting that Sandler be removed from Micropower Career Institute because Sandler assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities; (6) On or about June 24, Respondent discharged Sandler because he assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities; and (7) On or about June 24, the Union, by email and facsimile, requested that Respondent bargain collectively with the Union, and since about June 24, Respondent has failed and refused to bargain with the Union. On October 17, Respondent closed Micropower Career Institute. The Complaint was therefore served on Respondent, via regular and certified mail in accordance with Rule 102.113(a) of the Board's Rules and Regulations, at all of Respondent's known addresses: the home address of Respondent's President and Vice President, and another facility operated by Respondent, in Jersey City, New Jersey. None of these mailings have been returned to the Regional office. Copies of the Complaint, Affidavits of Service of the Complaint, and United States Postal Service Certified Mail Receipts are attached hereto as Exhibits L, M and N.

3. Respondent did not file an Answer within fourteen days of service of the Complaint, as required by Section 102.20 and 102.21 of the Board's Rules and Regulations.

4. On December 23, the General Counsel, by the undersigned, by letter sent via email and first class mail, notified Respondent that it had not filed an Answer to the Complaint. Again, due to the closure of Micropower Career Institute, this letter was mailed to Respondent's President and Vice President at their home addresses. The letter provided Respondent an additional opportunity to file an Answer, by no later than December 29. Respondent was further advised that if it failed to file an Answer by that date, the General Counsel would take appropriate action. Copies of the letter and email delivery confirmation are attached hereto as Exhibits O and P.

5. To date, Respondent has not filed an Answer to the Complaint.

WHEREFORE all Complaint allegations being deemed admitted and there being no issues to be determined by a hearing, Counsel for the General Counsel respectfully moves:

(a) That the following findings be made:

(i) Respondent is an educational institution providing training in vocational trade and English as a second language, and at material times had an office and place of business at 137 West 25th Street, Fifth Floor, New York New York. Respondent annually derived gross revenue in excess of \$1,000,000 in conducting its operations, and annually purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside New York State; therefore, Respondent is an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act;

(ii) Respondent failed to file an Answer to the Complaint, as required by Sections 102.20 and 102.21 of the Rules and Regulations, and that Respondent has therefore admitted all the allegations contained in the Complaint;

(iii) The Union is a labor organization within the meaning of Section 2(5) of the Act;

(iv) The Union has at all times since April 14 been the exclusive collective-bargaining representative of all full-time and regular part-time teachers employed by Respondent at Micropower Career Institute, located at 137 West 25th Street, Fifth Floor, New York New York (the Unit);

(v) At material times, the following individuals held the position set forth opposite their respective names and were supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of respondent within the meaning of Section 2(13) of the Act:

Sam Hiranandaney	President
Lalit Chabria	Vice President
Margaret Orem	Chief Executive Officer

Michael McTague Director
Valentina Portnov Chair, ESL Department

- (vi) Respondent, on or about June 16, by Michael McTague, in an office at Micropower Career Institute, instructed employees not to discuss their terms and conditions of employment with Union representatives, or with one another, in violation of Section 8(a)(1) of the Act;
- (vii) On or about June 9, certain employees of Respondent represented by the Union ceased work concertedly and engaged in a strike;
- (viii) On or about June 10, in a letter sent by email to Respondent's President, Vice President and Director, eight named employees who engaged in the strike described above made an unconditional offer to return to their former positions of employment;
- (ix) From about June 10 until about June 21, Respondent failed and refused to reinstate one of those named employees, in violation of Section 8(a)(3) and (1) of the Act;
- (x) From about June 10 until about June 23, Respondent failed and refused to reinstate a second of those named employees, in violation of Section 8(a)(3) and (1) of the Act;
- (xi) From about June 10 until about October 17, Respondent failed and refused to reinstate the remaining six of those named employees, in violation of Section 8(a)(3) and (1) of the Act;
- (xii) On or about June 15, Respondent, by Valentina Portnov, placed a call to the New York City Police Department requesting that Chowdhury be removed from Micropower Career Institute, because Chowdhury assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities, in violation of Section 8(a)(3) and (1) of the Act;

- (xiii) On or about June 21, Respondent, by Valentina Portnov, placed a call to the New York City Police Department requesting that Sandler be removed from Micropower Career Institute, because Sandler assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities, in violation of Section 8(a)(3) and (1) of the Act;
- (xiv) On or about June 24, Respondent discharged Chowdhury and Sandler, because they assisted the Union and engaged in concerted activities, and to discourage employees from engaging in those activities, in violation of Section 8(a)(3) and (1) of the Act;
- (xv) On or about June 24, the Union, by email and facsimile, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit; and
- (xvi) Since about June 24, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit, in violation of Section 8(a)(5) and (1) of the Act.
- (b) That a Decision and Order issue against Respondent containing findings of fact and conclusions of law with respect to the allegations in the Complaint and which remedies the unfair labor practices; and
- (c) That the Board grant any additional relief that is appropriate.

Dated: January 8, 2015
New York, New York



Moriah Berger
Counsel for the General Counsel
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, New York 10278

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

Date Filed
6/16/14

A

Monday, June 9, 2014

Dear Mr. Hiranandaney and Mr. Chabria:

We came to Micropower today before 8am in good faith, planning to work, planning to teach our students.

We were prepared, but you weren't. We found the elevators locked, the classrooms locked, no one to provide any leadership or helpful direction.

In search of answers, not only about today and Micropower's future, but also about when we can expect to be paid for monies owed us, we went to see Dr. McTague. Dr. McTague attempted to avoid us but when we finally were able to speak to him, he was abrupt and dismissive. All he would say was to have our lawyers get in touch with your lawyers. He refused to acknowledge our concerns and walked away from us without even a verbal assurance of when or if we will get paid.

We agreed to work for you as paid employees, not as volunteers. So your actions of today and last week have placed us in a position where we have no choice. We will wait to hear from you about when you would like us to return as paid employees. We are advising our coworkers who normally work evenings and weekends of what has transpired.

To be clear: we are ready, willing, and able to return to work for pay. We also expect to be paid for the payroll of May 19th and the recent days the school was closed through no fault of our own.

Respectfully,

~~Suzanne Nisbet~~ ^{Nam} Muhammad Hossain
~~Janet H. Ferguson~~ Alexis P. Albaret
Larcho Imelda D. Legido
Amina Chowdhury
Ntumba Mukondi Valmike Appuzan Jr.
Mohammad Hasanuzzaman
Jasir Lopez

Sism
Florentino A. Vazquez
DR. Kingley
NWABUOKU

The instructors listed below have asked to have their names added in support of the sentiments stated above. They too are ready, willing, and able to return to work for pay.

Garry Argro-Marino—Deyaaeddin Alnaas—Galyna Andryhchenko—Sreenath Chowdappa—Shaista Hadi—Khalid Labadi—Yeshvant Modi—Felicity Nduku—Nev Santana—Muhammad Saud—Katerina Schneidman—Ritu Singh—Regina Umanskaya—Jameica Woodward

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MICROPOWER CAREER INSTITUTE

Charged Party

and

**NEW YORK STATE UNITED
TEACHERS/AMERICAN FEDERATION OF
TEACHERS, NEA/AFL-CIO**

Charging Party

Case 02-CA-130858

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 17, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

MICROPOWER CAREER INSTITUTE
ATTN: SAM HIRANANDANEY, OWNER
137 WEST 25TH STREET, 5TH FLOOR
NEW YORK, NY 10001

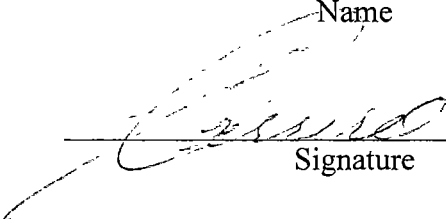
MARC L. SUSSMAN, ESQ.
JACKSON LEWIS LLP
58 SOUTH SERVICE ROAD
STE 410
MELVILLE, NY 11747

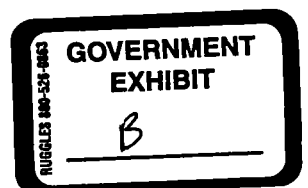
June 17, 2014

Date

Luis Carrero, Designated Agent of NLRB

Name


Signature





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

October 29, 2014

Micropower Career Institute
Attn.: Sam Hiranandaney
137 West 25th Street, Fifth Floor
New York, NY 10001

Re: Micropower Career Institute
Case No. 02-CA-130858

Dear Mr. Hiranandaney:

This is to inform you that I have approved the request to withdraw the following allegation in the above-referenced matter: On or about June 12, 2014, the Employer, by its agents Valentina Portnov and Michael McTague, began terminating its employees in retaliation for their protected, concerted activity, in violation of § 8(a)(1) of the National Labor Relations Act. The remainder of the charge will be retained for further processing.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach", is written over the typed name.

Karen P. Fernbach
Regional Director

cc: Institute for Health Education
Attn.: Lalit Chabria
600 Pavonia Avenue
Jersey City, NJ 07306

New York State United Teachers
Attn.: Daniel Esakoff
339 Lafayette Street, #202
New York, NY 10012



INTERNET
JULIA NLRB-501
(2-09)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

02-CA-132236

Date Filed

7/3/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Micropower Career Institute		b. Tel. No. 212-279-2550
		c. Cell No.
		f. Fax No. 212-279-2560
d. Address (Street, city, state, and ZIP code) 137 West 25th Street, 5th Floor New York, NY 10001	e. Employer Representative Sam Hiranandaney	g. e-Mail
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) School	j. Identify principal product or service ESL Classes and Job Training	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about June, 2014, the above-named employer, through its agents, representatives, and officers refused to bargain with the Union over layoffs; refused to bargain over recall of those who were laid off; recalled employees in a discriminatory manner; engaged in direct dealing with those whom they recalled, bypassing negotiations with the Union; refused to bargain a collective bargaining agreement with the Union; fired Amina Chowdhury, Greg Sandler, and Nevland Santana for union activity and protected, concerted activity; and, did not notify the Union of its right to bargain over the discharge of Amina Chowdhury, Greg Sandler, and Nevland Santana.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

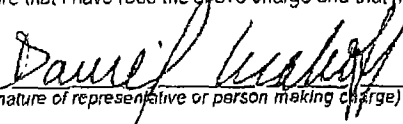
Professionals at Micropower, New York State United Teachers

4a. Address (Street and number, city, state, and ZIP code) 339 Lafayette Street, #202 New York, NY 10012	4b. Tel. No. 212-989-3470
	4c. Cell No.
	4d. Fax No. 212-989-8164
	4e. e-Mail organize@nysutmail.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of Teachers, American Federation of Labor - Congress of Industrial Organizations

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  Daniel Esakoff, Organizer
(signature of representative or person making charge) (Print/Type name and title or office, if any)

Tel. No. same
Office, if any, Cell No.
Fax No. same
e-Mail same

Address 339 Lafayette Street, #202, New York, NY 10012

07/03/2014
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: (1) to provide information to the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

GOVERNMENT
EXHIBIT

D

NLRB 501-501-501

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MICROPOWER CAREER INSTITUTE

Charged Party

and

**PROFESSIONALS AT MICROPOWER, NEW
YORK STATE UNITED TEACHERS**

Charging Party

Case 02-CA-132236

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 8, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SAM HIRANANDANEY, OWNER
MICROPOWER CAREER INSTITUTE
137 WEST 25TH STREET, 5TH FLOOR
NEW YORK, NY 10001

July 8, 2014

Date

D. Mahr, Designated Agent of NLRB

Name



Signature





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

October 29, 2014

Micropower Career Institute
Attn.: Sam Hiranandaney
137 West 25th Street, Fifth Floor
New York, NY 10001

Re: Micropower Career Institute
Case No. 02-CA-132236

Dear Mr Hiranandaney:

This is to inform you that I have approved the request to withdraw the following allegations in the above-referenced matter:

(1) In or about June 2014, the Employer refused to bargain with the Union over the layoff of teachers at its Manhattan campus, in violation of § 8(a)(5) of the National Labor Relations Act;

(2) In or about June 2014, the Employer refused to bargain with the Union over the recall of teachers at its Manhattan campus in violation of § 8(a)(5) of the National Labor Relations Act;

(3) In or about June 2014, the Employer engaged in direct negotiations with teachers it recalled, bypassing the Union in violation of § 8(a)(5) of the National Labor Relations Act;

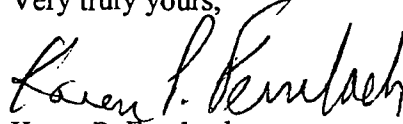
(4) In or about June 2014, the Employer fired Nev Santana for his union activity and protected, concerted activity, in violation of § 8(a)(1) and (3) of the National Labor Relations Act; and

(5) The Employer did not notify the Union of its right to bargain over the discharge of Santana, Greg Sandler or Amina Chowdhury, in violation of § 8(a)(5) of the National Labor Relations Act.



The remainder of the charge will be retained for further processing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen P. Fernbach". The signature is fluid and cursive, with the first name "Karen" being more prominent.

Karen P. Fernbach
Regional Director

cc: Institute for Health Education
Attn.: Lalit Chabria
600 Pavonia Avenue
Jersey City, NJ 07306

New York State United Teachers
Attn.: Daniel Esakoff, Esq.
339 Lafayette Street, #202
New York, NY 10012

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

ORIGINAL

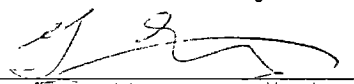
DO NOT WRITE IN THIS SPACE

Case
02-CA-132592

Date Filed
07/11/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Micropower Career Institute		b. Tel. No. 212-279-2550	
		c. Cell No.	
		f. Fax No. 212-279-2560	
d. Address (Street, city, state, and ZIP code) 137 West 25th Street, 5th Floor New York, NY 10001		e. Employer Representative Sam Hiranandaney, Owner Michael McTague, Director	
		g. e-Mail	
		h. Number of workers employed 30+	
i. Type of Establishment (factory, mine, wholesaler, etc.) Private School		j. Identify principal product or service ESL classes and job training	
<p>*k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>			
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>On or about June 15 and June 21, 2014, the above-named Employer, by its officers, agents and representatives, called the police in response to employee protected, concerted activity, in order to discourage employees from engaging in such activity.</p> <p>On or about June 27, 2014, the above-named Employer, by its officers, agents and representatives, terminated the employment of Greg Sandler because he engaged in protected, concerted activity and union activity on behalf of the New York State United Teachers.</p>			
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</p> <p>Greg Sandler</p>			
4a. Address (Street and number, city, state, and ZIP code) 5945 Shore Parkway, Apt. 81 Brooklyn, NY 11236		4b. Tel. No.	
		4c. Cell No. 917-576-8057	
		4d. Fax No.	
		4e. e-Mail gs76@mindspring.com	
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</p>			
<p style="text-align: center;">6. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p>		<p>Tel. No. Same as above</p>	
<p>By  (signature of representative or person making charge)</p>		<p>Office, if any, Cell No.</p>	
<p>Greg Sandler, an Individual (Print/type name and title or office, if any)</p>		<p>Fax No.</p>	
<p>Address Same as above</p>		<p>e-Mail Same as above</p>	
<p>July 11, 2014 (date)</p>			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**GOVERNMENT
EXHIBIT**

4

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MICROPOWER CAREER INSTITUTE

Charged Party

and

GREG SANDLER

Charging Party

Case No. 02-CA-132592

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 14, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

MICROPOWER CAREER INSTITUTE
ATTN: SAM HIRANANDANEY, OWNER
137 WEST 25TH STREET, 5TH FLOOR
NEW YORK, NY 10001

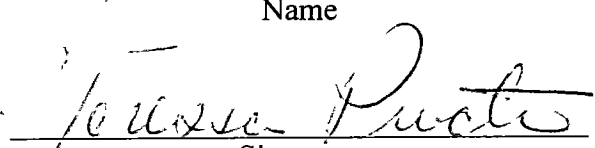
JACKSON LEWIS LLP
ATTN: MARC L. SUSSMAN, ESQ.
58 SOUTH SERVICE ROAD
STE 410
MELVILLE, NY 11747

July 14, 2014

Date

Teresa Proctor, Designated Agent of
NLRB

Name


Signature



UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE


Case
02-CA-132830

Date Filed
7/15/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Micropower Career Institute		b. Tel No. 212-279-2550	
		c. Cell No.	
		f. Fax No. 212-279-2560	
		g. e-Mail	
		h. Number of workers employed 30+	
d. Address (Street, city, state, and ZIP code) 137 West 25th Street, 5th Floor New York, NY 10001		e. Employer Representative Sam Hiranandaney, Owner Michael McTague, Director	
i. Type of Establishment (factory, mine, wholesaler, etc) Private School		j. Identify principal product or service ESL classes and job training	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (4) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or around June 24, 2014, the above-named Employer, by its officers, agents and representatives, terminated the employment of Amina Chowdhury because she engaged in protected, concerted activity and union activity on behalf of the New York State United Teachers. On or around June 24, 2014, the above-named Employer, by its officers, agents and representatives, terminated the employment of Amina Chowdhury because she participated in an unfair labor practice investigation conducted by Region 2 of the National Labor Relations Board.			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Amina Chowdhury			
4a. Address (Street and number, city, state, and ZIP code) 2515 Tratman Avenue Apt. H12 Bronx, New York 10461		4b. Tel. No. 4c. Cell No. 917-535-9278 4d. Fax No. 4e. e-Mail aminach@aol.com	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  (signature of representative or person making charge)		Tel No. Office, if any, Cell No. Same as above Fax No. e-Mail Same as above	
Address Same as above		July 15, 2014 (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is by the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are published in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**GOVERNMENT
EXHIBIT**

I

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MICROPOWER CAREER INSTITUTE

Charged Party

and

AMINA CHOWDHURY

Charging Party

Case 02-CA-132830

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 16, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:


Micropower Career Institute
Attn: Sam Hiranandaney, Owner
137 West 25th Street, 5th Floor
New York, NY 10001

July 16, 2014

Date

Rhonda Rhodes, Designated Agent of
NLRB

Name



Signature





UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

December 31, 2014

Micropower USA Corp.
Attn.: Suresh Hiranandaney, Owner
137 West 25th Street, 5th Floor
New York, NY 10001

Re: Micropower Career Institute
Case No. 02-CA-132830

Dear Hiranandaney:

This is to inform you that I have approved the request to withdraw the following allegation in the above-referenced matter.

(1) On or about June 24, 2014, Micropower Career Institute, by its officers, agents and representatives, terminated the employment of Amina Chowdhury because she participated in an unfair labor practice investigation conducted by Region 2 of the National Labor Relations Board, in violation of Section 8(a)(4) and (1) of the National Labor Relations Act.

Very Truly Yours,

Leah Z. Jaffe
Acting Regional Director

cc: New York State United Teachers
(NYSUT)
Attn.: Daniel Esakoff, Organizer
339 Lafayette Street, # 202
New York, NY 10012-2723

Amina Chowdhury
2515 Tratman Avenue, Apt. H 12
Bronx, NY 10461



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

and

**Case Nos. 02-CA-130858 and
02-CA- 132236**

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS**

and

Case No. 02-CA-132592

GREG SANDLER, an Individual

and

AMINA CHOWDHURY, an Individual

Case No. 02-CA-132830

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board ("the Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case Nos. 02-CA-130858, 02-CA-132236, 02-CA-132592, and 02-CA-132830, which are based on charges filed by New York State United Teachers ("the Union"), Greg Sandler ("Sandler"), an individual, and Amina Chowdhury ("Chowdhury"), an individual, against Micropower USA Corp. ("Respondent"), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("the Act") and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.



1. The charges in the above cases were filed by the Union, Sandler and Chowdhury as set forth in the table below, and were served upon Respondent by U.S. mail on the dates indicated:

Case Number	Charging Party	Date Filed	Date Served
02-CA-130858	the Union	June 16, 2014	June 17, 2014
02-CA-132236	the Union	July 3, 2014	July 8, 2014
02-CA-132592	Sandler	July 11, 2014	July 14, 2014
02-CA-132830	Chowdhury	July 15, 2014	July 16, 2014

2. (a) At material times, Respondent, a New York corporation, had an office and place of business located at 137 West 25th Street, Fifth Floor, New York, New York ("Manhattan campus"), and was an educational institution providing courses in vocational trades and English as a second language.

(b) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually derived gross revenue in excess of \$1,000,000 from performance of services.

(c) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside the State of New York.

3. At material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

(a)	Sam Hiranandaney	President
(b)	Lalit Chabria	Vice President
(c)	Margaret Orem	Chief Executive Officer
(d)	Dr. Michael McTague	Director, Manhattan campus
(e)	Valentina Portnov	Chair, ESL Department, Manhattan campus

6. (a) The following employees of Respondent ("the Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time teachers employed by Respondent at its facility located at 137 West 25th Street, New York, New York, excluding all other employees, including office clerical employees, and guards and supervisors as defined in the Act.

(b) On April 14, 2014, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 14, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7. On or about June 16, 2014, Respondent, by Michael McTague, in an office on the Manhattan campus, instructed employees not to discuss their terms and conditions of employment with Union representatives, or with one another.

8. (a) On or about June 9, 2014, certain employees of Respondent represented by the Union and employed at the Manhattan campus ceased work concertedly and engaged in a strike.

(b) On or about June 10, 2014, in a letter sent by email to Sam Hiranandaney, Lalit Chabria and Michael McTague, among others, the following employees, who engaged in the strike described above in paragraph 8(a), made an unconditional offer to return to their former positions of employment:

Alex Albaret	Ntumba Mukendi
Valmike Apuzen	Felicity Nduku
Florentino Capili	Gwendolyn Nisbett
Imelda Lapid	Nevdoyle Santana

(c) From about June 10, 2014 until about June 21, 2014, Respondent failed and refused to reinstate Alex Albaret to his former position of employment.

(d) From about June 10, 2014 until about June 23, 2014, Respondent failed and refused to reinstate Gwendolyn Nisbett to her former position of employment.

(e) From about June 10, 2014 until about October 17, 2014, Respondent failed and refused to reinstate Valmike Apuzen, Florentino Capili, Imelda Lapid, Ntumba Mukendi, Felicity Nduku and Nevdoyle Santana to their former positions of employment.

9. (a) On or about June 15, 2014, Respondent by Valentina Portnoy, placed a call to the New York City Police Department, requesting Amina Chowdhury be removed from the Manhattan Campus.

(b) On or about June 24, 2014, Respondent discharged Amina Chowdhury.

(c) Respondent engaged in the conduct described above in paragraph 9(a) and (b) because Chowdhury assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

10. (a) On or about June 21, 2014, Respondent by Valentina Portnoy, placed a call to the New York City Police Department, requesting Greg Sandler be removed from the Manhattan Campus.

(b) On or about June 24, 2014, Respondent discharged its employee Greg Sandler.

(c) Respondent engaged in the conduct described above in paragraph 10(a) and (b) because Sandler assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

11. (a) On or about June 24, 2014, the Union, by email and facsimile, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(b) Since about June 24, 2014, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

12. By the conduct described above in paragraphs 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraphs 8-10, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(3) and (1) of the Act.

14. By the conduct described above in paragraph 11, Respondent been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees, in violation of Section 8(a)(5) and (1) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 9, 2014, or postmarked on or before December 10, 2014.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

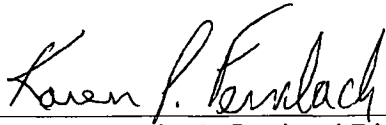
An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf

document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on January 21, 2015, at 9:30 a.m. at the **Mary Taylor Walker Room at 26 Federal Plaza, Room 3614, New York, New York** and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: at New York, New York
November 25, 2014



Karen P. Fernbach, Regional Director
National Labor Relations Board
26 Federal Plaza Ste 3614
New York, New York 10278-3699

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP

and

**PROFESSIONAL AT MICROPOWER NEW YORK
STATE UNITED TEACHERS**

**Case Nos. 02-CA-130858
02-CA-132236
02-CA-132592
02-CA-132830**

And

GREG SANDLER, an Individual

And

AMINA CHOWDHURY, an Individual

**AFFIDAVIT OF SERVICE OF: ORDER CONSOLIDATING CASE CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING (with forms NLRB-4338 and NLRB-4668 attached)**

**I, the undersigned employee of the National Labor Relations Board, being duly sworn, say
that on , I served the above-entitled document(s) by certified or regular mail, as noted
below, upon the following persons, addressed to them at the following addresses:**

**Suresh Hiranandaney
111 Dix Highway
Dix Hills, NY 11746**

**CERTIFIED MAIL, RETURN
RECEIPT REQUESTED**

**Lalit Chabrria
9 Dover Lane
Old Bethpage, NY 11804**

REGULAR MAIL

**Daniel Esakóff, Organizer
Workers Essential At Leake
and Watts
New York State United Teachers
339 Lafayette Street; #202
New York, NY 10012-2723**

**CERTIFIED MAIL, RETURN
RECEIPT REQUESTED**

November 25, 2014

Date

Lisa Coleman, Designated Agent of NLRB

Name



Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

and

Case 02-CA-130858

**NEW YORK STATE UNITED
TEACHERS/AMERICAN FEDERATION OF
TEACHERS, NEA/AFL-CIO**

**AFFIDAVIT OF SERVICE OF: Order Consolidating Case Complaint and Notice of
Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Institute for Health Education
Lalit Chabria
600 Pavonia Avenue
Jersey City, NJ 07306

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Lalit Chabria, President
9 Dover Ln
Old Bethpage, NY 11804-1605

CERTIFIED MAIL

December 5, 2014

Date

Lisa Coleman, Designated Agent of NLRB

Name


Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP

and

**PROFESSIONAL AT MICROPOWER NEW YORK
STATE UNITED TEACHERS**

**Case Nos. 02-CA-130858
02-CA-132236
02-CA-132592
02-CA-132830**

And

GREG SANDLER, an Individual

And

AMINA CHOWDHURY, an Individual

**AFFIDAVIT OF SERVICE OF: ORDER CONSOLIDATING CASE CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING (with forms NLRB-4338 and NLRB-4668 attached)**

**I, the undersigned employee of the National Labor Relations Board, being duly sworn, say
that on December 8, 2014 I served the above-entitled document(s) by regular mail, as
noted below, upon the following persons, addressed to them at the following addresses:**

**Suresh Hiranandaney
111 Dix Highway
Dix Hills, NY 11746**

REGULAR MAIL

**Insitute for Health Education
Lalit Chabria,
600 Pavonia Avenue
Jersey City, NJ 07306**

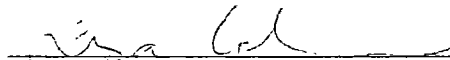
REGULAR MAIL

December 8, 2014

Date

Lisa Coleman, Designated Agent of NLRB

Name


Signature

7006 2760 0002 1736 7097

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Postmark Here <i>Colman</i> <i>microw</i> <i>2-CA-130858</i>	
Sent To <i>Suresh Nirmalan</i> Street, Apt. No., or PO Box No. <i>111 Dix Highway</i> City, State, ZIP+4 <i>Dix Hills NY 11746</i>	
PS Form 3800, August 2005 See Reverse for Instructions	



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Total Postage & Fees	\$	

Sent To	INSTITUTE FOR NORTH EDUCATION
Street, Apt. No., or PO Box No.	HALIT CHARBITA 600 PAVONIA AVE
City, State, ZIP+4	Jersey City, NJ 07306

7202 736 1736 0002 9007 2706 2006

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here 2LA-130554 Salem, NJ	
Sent To LAI + CHABAT	
Street, Apt. No., or PO Box No. 9 Dore Lane	
City, State, ZIP+4 old Bethpage NY 11804	
PS Form 3800, August 2006	
See Reverse for Instructions	



United States Government
**NATIONAL LABOR RELATIONS
BOARD**

Region 2

26 Federal Plaza – Room 3614
New York, New York 10278-0104

phone: (212) 264-0300
fax: (212) 264-2450

December 23, 2014

Via E-mail and First Class Mail

Sam Hiranandaney
111 Dix Highway
Dix Hills, New York 11746
samhira54@optimum.net

Re: Micropower USA Corp.
Case Nos. 02-CA-130858, 02-CA-132236
02-CA-132592 and 02-CA-132830

Dear Mr. Hiranandaney:

A Complaint and Notice of Hearing in the above-captioned matter issued on November 25, 2014. (A copy is enclosed.) According to records obtained from the U.S. Postal Service, the Complaint was served on you on December 8, 2014.

29 CFR §102.20 states:

The respondent shall, within 14 days from the service of the complaint, file an answer thereto. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Board, unless good cause to the contrary is shown.

Although Respondent's Answer to the enclosed Complaint was due on December 22, 2014, to date it has not been filed. The Region will allow you an additional opportunity to file an Answer. The Answer must be received in this office by no later than the close of business on December 29, 2014. If an Answer is not filed by that date, the Region will consider the allegations in the Complaint admitted and will take appropriate action.



Please feel free to contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Berger', written over the typed name.

Moriah Berger
Counsel for the General Counsel
(212) 264-0324
moriah.berger@nlrb.gov

Enclosure

cc:
Lalit Chabria
9 Dover Lane
Old Bethpage, NY 11804
lchabria@yahoo.com

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

MICROPOWER USA CORP.

and

**Case Nos. 02-CA-130858 and
02-CA- 132236**

**PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS**

and

Case No. 02-CA-132592

GREG SANDLER, an Individual

and

AMINA CHOWDHURY, an Individual

Case No. 02-CA-132830

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board ("the Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case Nos. 02-CA-130858, 02-CA-132236, 02-CA-132592, and 02-CA-132830, which are based on charges filed by New York State United Teachers ("the Union"), Greg Sandler ("Sandler"), an individual, and Amina Chowdhury ("Chowdhury"), an individual, against Micropower USA Corp. ("Respondent"), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act ("the Act") and Section 102.15 of the Board's Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Union, Sandler and Chowdhury as set forth in the table below, and were served upon Respondent by U.S. mail on the dates indicated:

Case Number	Charging Party	Date Filed	Date Served
02-CA-130858	the Union	June 16, 2014	June 17, 2014
02-CA-132236	the Union	July 3, 2014	July 8, 2014
02-CA-132592	Sandler	July 11, 2014	July 14, 2014
02-CA-132830	Chowdhury	July 15, 2014	July 16, 2014

2. (a) At material times, Respondent, a New York corporation, had an office and place of business located at 137 West 25th Street, Fifth Floor, New York, New York ("Manhattan campus"), and was an educational institution providing courses in vocational trades and English as a second language.

(b) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually derived gross revenue in excess of \$1,000,000 from performance of services.

(c) At material times, Respondent, in conducting its operations described above in paragraph 2(a), annually purchased and received goods, supplies and materials valued in excess of \$5,000 directly from points outside the State of New York.

3. At material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

(a)	Sam Hiranandaney	President
(b)	Lalit Chabria	Vice President
(c)	Margaret Orem	Chief Executive Officer
(d)	Dr. Michael McTague	Director, Manhattan campus
(e)	Valentina Portnov	Chair, ESL Department, Manhattan campus

6. (a) The following employees of Respondent ("the Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time teachers employed by Respondent at its facility located at 137 West 25th Street, New York, New York, excluding all other employees, including office clerical employees, and guards and supervisors as defined in the Act.

(b) On April 14, 2014, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since April 14, 2014, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

7. On or about June 16, 2014, Respondent, by Michael McTague, in an office on the Manhattan campus, instructed employees not to discuss their terms and conditions of employment with Union representatives, or with one another.

8. (a) On or about June 9, 2014, certain employees of Respondent represented by the Union and employed at the Manhattan campus ceased work concertedly and engaged in a strike.

(b) On or about June 10, 2014, in a letter sent by email to Sam Hiranandaney, Lalit Chabria and Michael McTague, among others, the following employees, who engaged in the strike described above in paragraph 8(a), made an unconditional offer to return to their former positions of employment:

Alex Albaret	Ntumba Mukendi
Valmike Apuzen	Felicity Nduku
Florentino Capili	Gwendolyn Nisbett
Imelda Lapid	Nevdoyle Santana

(c) From about June 10, 2014 until about June 21, 2014, Respondent failed and refused to reinstate Alex Albaret to his former position of employment.

(d) From about June 10, 2014 until about June 23, 2014, Respondent failed and refused to reinstate Gwendolyn Nisbett to her former position of employment.

(e) From about June 10, 2014 until about October 17, 2014, Respondent failed and refused to reinstate Valmike Apuzen, Florentino Capili, Imelda Lapid, Ntumba Mukendi, Felicity Nduku and Nevdoyle Santana to their former positions of employment.

9. (a) On or about June 15, 2014, Respondent by Valentina Portnoy, placed a call to the New York City Police Department, requesting Amina Chowdhury be removed from the Manhattan Campus.

(b) On or about June 24, 2014, Respondent discharged Amina Chowdhury.

(c) Respondent engaged in the conduct described above in paragraph 9(a) and (b) because Chowdhury assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

10. (a) On or about June 21, 2014, Respondent by Valentina Portnoy, placed a call to the New York City Police Department, requesting Greg Sandler be removed from the Manhattan Campus.

(b) On or about June 24, 2014, Respondent discharged its employee Greg Sandler.

(c) Respondent engaged in the conduct described above in paragraph 10(a) and (b) -because Sandler assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

11. (a) On or about June 24, 2014, the Union, by email and facsimile, requested that Respondent bargain collectively with the Union as the exclusive collective-bargaining representative of the Unit.

(b) Since about June 24, 2014, Respondent has failed and refused to bargain with the Union as the exclusive collective-bargaining representative of the Unit.

12. By the conduct described above in paragraphs 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

13. By the conduct described above in paragraphs 8-10, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(3) and (1) of the Act.

14. By the conduct described above in paragraph 11, Respondent been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees, in violation of Section 8(a)(5) and (1) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before December 9, 2014, or postmarked on or before December 10, 2014.**

Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

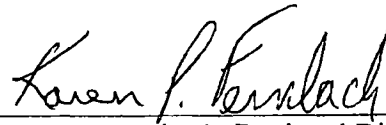
An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf

document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on January 21, 2015, at 9:30 a.m. at the Mary Taylor Walker Room at 26 Federal Plaza, Room 3614, New York, New York and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: at New York, New York
November 25, 2014


Karen P. Fernbach, Regional Director
National Labor Relations Board
26 Federal Plaza Ste 3614
New York, New York 10278-3699

Attachments

Berger, Moriah

From: Berger, Moriah
Sent: Tuesday, December 23, 2014 8:14 AM
To: 'samhira54@optimum.net'
Cc: 'lchabria@yahoo.com'
Subject: NLRB Complaint against Micropower USA Corp. : No Answer Filed
Attachments: LTR.02-CA-130858.Micropower.Answer Overdue.PDF

Sensitivity: Personal

Flag Status: Completed

NxGen: Uploaded

Dear Mr. Hiranandaney,

Please review the attached correspondence.

Thank you,

Moriah Berger
Field Attorney
NLRB, Region 2
26 Federal Plaza, Room 3614
New York, NY 10278
(212) 264-0324



Berger, Moriah

From: Microsoft Outlook
To: samhira54@optimum.net
Sent: Tuesday, December 23, 2014 8:14 AM
Subject: Relayed: NLRB Complaint against Micropower USA Corp. : No Answer Filed
NxGén: Uploaded

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

samhira54@optimum.net (samhira54@optimum.net)

Subject: NLRB Complaint against Micropower USA Corp. : No Answer Filed

Berger, Moriah

From: Microsoft Outlook
To: lchabria@yahoo.com
Sent: Tuesday, December 23, 2014 8:15 AM
Subject: Relayed: NLRB Complaint against Micropower USA Corp. : No Answer Filed
NxGen: Uploaded

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lchabria@yahoo.com (lchabria@yahoo.com)

Subject: NLRB Complaint against Micropower USA Corp. : No Answer Filed

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MICROPOWER USA CORP.

and

Case Nos. 02-CA-130858
 02-CA-132236

PROFESSIONALS AT MICROPOWER
NEW YORK STATE UNITED TEACHERS

and

Case No. 02-CA-132592

GREG SANDLER, an Individual

and

Case No. 02-CA-132830

AMINA CHOWDHURY, an Individual

**AFFIDAVIT OF SERVICE OF: GENERAL COUNSEL'S PETITION FOR DEFAULT JUDGMENT
AND SUPPORTING MEMORANDUM**

I, the undersigned employee of the National Labor Relations Board, state under oath that, on the date indicated above, I served the above-entitled documents by electronic mail (email) and first-class mail upon the following persons, addressed to them at the following addresses:

By E-File

Gary Shinnars, Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

By Electronic Mail and First-Class Mail

Sam Hiranandaney
111 Dix Highway
Dix Hills, NY 11746
samhira54@optimum.net

Lalit Chabria
9 Dover Lane
Old Bethpage, NY 11804
lchabria@yahoo.com

Daniel Esakoff
New York State United Teachers
339 Lafayette Street, # 202
New York, NY 10012
desakoff@nysutmail.org

Greg Sandler
5945 Shore Parkway, Apt. 8I
Brooklyn, NY 11236
gs76@mindspring.com

Amina Chowdhury
2515 Tratman Avenue, Apt. H12
Bronx, NY 10461
aminach@aol.com

Date of Electronic Mailing: January 8, 2015

January 8, 2015
Date


Moriah Berger